

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 10/01/02

AGENDA ITEM 2.

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: An Ordinance Amending Chapter 6-Business, Professions and Trades Article 12-Shopping Carts

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

BACKGROUND:

The ordinance was introduced at the September 24, 2002, meeting of the City Council with the following vote:


AYES:	Council Members:	Jimenez, Hilson, Rodriquez, Ward, Dowling, Henson
NOES:	Mayor:	Cooper
	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on September 28, 2002. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

ORDINANCE ADDING ARTICLE 12 TO CHAPTER 6 OF THE
HAYWARD MUNICIPAL CODE RELATING TO CONTROL OF
SHOPPING CARTS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. FINDINGS AND PURPOSE. Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public and interfere with pedestrian and vehicular traffic within the City of Hayward. The accumulation of wrecked, dismantled and abandoned shopping carts on public or private property also tends to create conditions that reduce property values, promoting blight and deterioration in the City. The intent of this Article is to ensure that measures are taken by store owners to prevent the removal of shopping carts from store premises and parking lots and to facilitate the retrieval of abandoned carts.

Section 2. The following provisions are hereby adopted and added to Chapter 6 of the Hayward Municipal Code as Article 12:

"ARTICLE 12

Section 6-12.01 DEFINITIONS.

Section 6-12.02 ENFORCEMENT.

Section 6-12.03 PROHIBITION AGAINST REMOVAL OR POSSESSION OF
ABANDONED CART.

Section 6-12.04 MANDATORY SIGN REQUIREMENTS ON CARTS AND PREMISES.

Section 6-12.05 MANDATORY PHYSICAL MEASURES TO PREVENT THE REMOVAL OF
CARTS.

Section 6-12.06 PLAN PROVIDING ALTERNATIVE TO MANDATORY PHYSICAL
MEASURES TO PREVENT THE REMOVAL OF CARTS.

Section 6-12.07 PROPOSED MODIFICATION TO EXISTING PHYSICAL MEASURES OR A
PREVIOUSLY-APPROVED ALTERNATIVE PLAN.

Section 6-12.08 INADEQUATE CART CONTROL MEASURES AND DIRECTIVE TO
MODIFY MEASURES.

Section 6-12.09 PENALTIES FOR FAILING TO IMPLEMENT PHYSICAL CART CONTROL MEASURES, AN APPROVED ALTERNATIVE PLAN, OR DIRECTED MODIFICATION.

Section 6-12.10 IMPOUNDMENT OF ABANDONED CARTS.

Section 6-12.11 COSTS AND FINES FOR IMPOUNDED CARTS.

Section 6-12.12 APPEALS.

Section 6-12.13 DISPOSITION OF CARTS AFTER THIRTY DAYS.

Section 6-12.14 SEVERABILITY AND VALIDITY.

Section 6-12.15 EFFECTIVE DATE. This article shall become effective thirty (30) days after adoption by the City Council.

Introduced at a regular meeting of the Hayward City Council held September 24, 2002, the above-entitled ordinance was introduced by Council Member Hilson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on October 1, 2002, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. Copies of the full text of this ordinance are available for examination by the public in the Office of the City Clerk, 777 B Street, Hayward Public Main Library, 835 "C" Street, or the Weekes Branch Library, 27300 Patrick Avenue.

DATED: September 28, 2002

ANGELINA REYES
CITY CLERK OF THE
CITY OF HAYWARD